

Remarks

The Office Action mailed August 12, 2005 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1, 3-14, 16-26, and 28-45 are now pending in this application. Claims 1, 3-14, 16-26, and 28-45 stand rejected. Claims 1, 9, 11, 14, 19, and 20-25 have been amended herein. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a two month extension of time is submitted herewith to extend the due date of the response to the Office Action dated August 12, 2005, for the above-identified patent application from November 12, 2005, through and including January 12, 2006. In accordance with 37 C.F.R. 1.17(a)(2), authorization to charge a deposit account in the amount of \$450.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1, 3-13, 19-24, 30-33, and 38-41 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

Applicants submit that Claims 1, 3-13, 19-24, 30-33, and 38-41 are directed to practical applications in the technological arts. "Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts." *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). Moreover, the "Examination Guidelines for Computer-Related Inventions" provides in relevant part as follows:

In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity....Only when the claim is devoid of any limitation to a practical application in the technological arts

should it be rejected under § 101. Further, when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.

Applicants respectfully submit that Claims 1, 3-13, 19-24, 30-33, and 38-41 are limited to a practical application in the technological arts.

Independent Claim 1 is a computer-implemented method directed to “product selection assistance” that includes, among other things, “processing the received product category selection using the computer by matching the product category selection against a product database to determine a plurality of matched products...and processing the product configuration answer using the computer by responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix....” Accordingly, Claim 1 uses a computer to perform processing steps. Claim 1 is therefore directed to a practical application in the technological arts.

Independent Claim 19 is a computer that includes “a processing circuit...and a memory coupled to said processing circuit, wherein said memory stores, for execution by said processing circuit, instructions for...displaying, on at least one of said computer and another computer connected to said computer over a network, a matrix panel comprising a product matrix displaying a plurality of products using individual product entries comprising a model identifier and at least one product configuration parameter associated with the products...and displaying, on at least one of said computer and the other computer, a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein the product configuration question relates to the at least one product configuration parameter displayed in the product matrix, the product configuration question based on a selected product configuration parameter chosen from the at least one product configuration parameter, and wherein the product matrix is responsively updated by removing the selected product configuration parameter from the product matrix and by displacing the selected

product configuration parameter and the product configuration answer to a visible location outside the product matrix.” Accordingly, Claim 19 uses a processing circuit and a memory to perform certain steps. Claim 19 is therefore directed to a practical application in the technological arts.

The Office Action suggests at page 6 that Claims 1, 3-13, 19-24, 30-33, and 38-41 “fail to recite any specific and non-trivial application of technology in the bodies of these claims”. Applicants respectfully traverse this suggestion. More specifically, Applicants submit that Claim 1 recites, in the body thereof, using a computer to perform certain processing steps. Accordingly, Applicants submit that Claim 1 recites specific and non-trivial application of technology in the body of the claim. Claim 1 is therefore directed to a practical application in the technological arts. Moreover, Applicants submit that Claim 19, the body thereof, recites using a processing circuit and a memory to perform certain steps. Accordingly, Applicants submit that Claim 19 recites specific and non-trivial application of technology in the body of the claim. Claim 19 is therefore directed to a practical application in the technological arts.

The Office Action also suggests at page 7 that Claims 19-24 and 38-41 “recite an Internet web page which...fails to define statutory subject matter under 35 USC 101. Applicants respectfully traverse this suggestion. More specifically, as amended, Claim 19 is a computer. Accordingly, Applicants submit that Claim 19 is directed to statutory subject matter under Section 101.

Claims 3-13 and 30-33 depend from independent Claim 1. Applicants respectfully submit that when the recitations of Claims 3-13 and 30-33 are considered in combination with the recitations of Claim 1, Claims 3-13 and 30-33 likewise are directed to a practical application in the technological arts.

Claims 20-24 and 38-41 depend from independent Claim 19. Applicants respectfully submit that when the recitations of Claims 20-24 and 38-41 are considered in combination

with the recitations of Claim 19, Claims 20-24 and 38-41 likewise are directed to a practical application in the technological arts.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 1, 3-13, 19-24, 30-33, and 38-41 be withdrawn.

The rejection of Claims 1, 3-9, 11-14, 16-22, 24-26, and 28-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,035,283 (Rofrano) in view of U.S. Patent No. 6,012,051 (Sammon) is respectfully traversed.

Rofrano describes a method for employing an electronic catalog system. In the method, when a feature is selected, all unique values for the feature are displayed, such as, a limitation of being red, blue, or green (column 3, lines 55-57). When an actual customer selects an answer that has feature constraints associated with the answer, products in a category are constrained by the feature and a new product count of the remaining products is displayed (column 4, lines 34-38). When the actual customer has answered all questions, the products remaining that meet all criteria are presented in a list or by a side-by-side comparison (column 4, lines 39-42).

Sammon describes a method in which a question and answer sequencer (101) includes a script of HTML (Hypertext Markup Language) pages which specifies an order of a set of pages (104), including a first page (105) for a first set of attributes, set A, a second page (106) for attribute set B, a third page (107) for attribute set C and so on throughout an entire attribute hierarchy (column 5, lines 55-62). In the method, after a user provides input, a count of a number of remaining items in a domain is presented adjacent each tab in a navigation bar E (column 12, lines 32-35). Thus, for a first tab (200), the number of remaining items is 728 representing all cars in the domain (column 12, lines 34-37). In the example, in a second tab (201), a user made choices which narrowed the field to about 600 (column 12, lines 37-38). In a third tab (202), the user made choices which narrowed the field to about 400 (column 12, lines 38-40). In a fourth tab (203), the user made choices

which narrowed the field to about 350 (column 12, lines 40-41). The user makes choices and specify requirements and preferences in a fifth tab (204) for performance which may narrow the range of choices further (column 12, lines 41-44).

Claim 1 recites a computer-implemented method for product selection assistance, the method comprising “receiving a product category selection...processing the received product category selection using the computer by matching the product category selection against a product database to determine a plurality of matched products...displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products...presenting a product configuration question relating to the at least one product configuration parameter displayed in the product matrix, wherein said presenting the product configuration question comprises presenting the product configuration question associated with a selected product configuration parameter chosen from the at least one product configuration parameter...receiving a product configuration answer...and processing the product configuration answer using the computer by responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein said responsively updating comprises removing the selected product configuration parameter from the product matrix and displacing the selected product configuration parameter and the product configuration answer to a visible location outside the product matrix.”

Neither Rofrano nor Sammon considered alone or in combination, describe or suggest a computer-implemented method for product selection assistance as recited in Claim 1. For example, neither Rofrano nor Sammon, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. Indeed, as admitted on page of 8 of the Office Action, “Rofrano does not disclose displacing the selected product configuration parameter to a visible location outside the product matrix.” Sammon describes displaying a

plurality of product attribute sets tabs and a number of products that satisfy the corresponding attributes, however Sammon does not describe or suggest displacing a product configuration answer to a visible location outside the product matrix. Because neither Rofrano nor Sammon individually describe or suggest one or more elements of Claim 1, it follows that a combination of Rofrano and Sammon cannot describe or suggest such element(s). For at least the reasons set forth above, Claim 1 is submitted to be patentable over Rofrano in view of Sammon.

Claims 3-9, 11-13, and 30-33 depend from independent Claim 1. When the recitations of Claims 3-9, 11-13, and 30-33 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-9, 11-13, and 30-33 likewise are patentable over Rofrano in view of Sammon.

Claim 14 recites a product selection assistance tool comprising “a communication interface...a processing circuit coupled to the communication interface...and a memory coupled to the processing circuit, the memory storing, for execution by the processing circuit, instructions for...receiving a product category selection over the communication interface...matching the product category selection against a product database to determine a plurality of matched products...displaying a product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products...presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix...receiving a product configuration answer...and responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix, the product configuration question based on a selected product configuration parameter chosen from the at least one product configuration parameter, wherein the instructions for responsively updating include instructions to remove the selected product configuration parameter from the product matrix

and instructions for displacing the selected product configuration parameter and the product configuration answer to a visible location outside the product matrix.”

Neither Rofrano nor Sammon, considered alone or in combination, describe or suggest a product selection assistance tool as recited in Claim 14. For example, as described above, neither Rofrano nor Sammon, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. For at least the reasons set forth above, Claim 14 is submitted to be patentable over Rofrano in view of Sammon.

Claims 16-18 and 34-37 depend from independent Claim 14. When the recitations of Claims 16-18 and 34-37 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claims 16-18 and 34-37 likewise are patentable over Rofrano in view of Sammon.

Claim 19 recites a computer comprising “a processing circuit...and a memory coupled to said processing circuit, wherein said memory stores, for executing by said processing circuit, instructions for...displaying, on at least one of said computer and another computer connected to said computer over a network, a matrix panel comprising a product matrix displaying a plurality of products using individual product entries comprising a model identifier and at least one product configuration parameter associated with the products...and displaying, on at least one of said computer and the other computer, a product configuration panel displaying a product configuration question and accepting a product configuration answer, the product matrix responsively updating based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein the product configuration question relates to the at least one product configuration parameter displayed in the product matrix, the product configuration question based on a selected product configuration parameter chosen from the at least one product configuration parameter, and wherein the product matrix is responsively updated by removing the selected product configuration parameter from the product matrix and by displacing the selected product

configuration parameter and the product configuration answer to a visible location outside the product matrix.”

Neither Rofrano nor Sammon, considered alone or in combination, describe or suggest a computer as recited in Claim 19. For example, as described above, neither Rofrano nor Sammon, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. For at least the reasons set forth above, Claim 19 is submitted to be patentable over Rofrano in view of Sammon.

Claims 20-22, 24, and 38-41 depend from independent Claim 19. When the recitations of Claims 20-22, 24, and 38-41 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 20-22, 24, and 38-41 likewise are patentable over Rofrano in view of Sammon.

Claim 25 recites a computer program product comprising “a storage medium readable by a processing circuit and storing for execution by the processing circuit...instructions for receiving a product category selection...instructions for matching the product category selection against a product database to determine a plurality of matched products...instructions for displaying product matrix comprising a product entry for each of the matched products, each product entry comprising a model identifier and at least one product configuration parameter associated with the matched products...instructions for presenting a product configuration question related to the at least one product configuration parameter displayed in the product matrix, wherein said instructions for presenting include instructions configured to present the product configuration question associated with a selected product configuration parameter chosen from the at least one product configuration parameter...instructions for receiving a product configuration answer...and instructions for responsively updating the product matrix based on the product configuration answer to eliminate at least one product entry in the product matrix, wherein the instructions for responsively updating include instructions configured to remove the selected product

configuration parameter from the product matrix and instructions configured to displace the selected product configuration parameter and the product configuration answer to a visible location outside the product matrix.”

Neither Rofrano nor Sammon, considered alone or in combination, describe or suggest a computer program product as recited in Claim 25. For example, as described above, neither Rofrano nor Sammon, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. For at least the reasons set forth above, Claim 25 is submitted to be patentable over Rofrano in view of Sammon.

Claims 26, 28, 29, and 42-45 depend from independent Claim 25. When the recitations of Claims 26, 28, 29, and 42-45 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26, 28, 29, and 42-45 likewise are patentable over Rofrano in view of Sammon.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1, 3-9, 11-14, 16-22, 24-26, and 28-45 under 35 U.S.C. 103(a) as being unpatentable over Rofrano in view of Sammon be withdrawn.

The rejection of Claims 10 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Rofrano in view of Sammon, and further in view of U.S. Patent No. 5,754,850 (Janssen) is respectfully traversed.

Rofrano and Sammon are described above. Janssen describes a method and apparatus for a search system based in software running on a personal computer. The personal computer is housed in a kiosk having a touch monitor and a printer. With the search system, selection features are selected and a search based upon these search features is performed. Each item in a database is examined to determine if an item has a given search feature. Search features are categorized into primary and non-primary search features. Items neither satisfying nor closely satisfying a given primary search feature are eliminated from the

search. In contrast, items not satisfying a given non-primary feature may remain in a search pool. For both primary and non-primary features, if an item in a database is an exact match to a given search feature, then that item is assigned full points. If an item closely satisfies the search feature then that item is assigned full or partial points. After completion of comparing each primary and non-primary search features with each item in the search pool, predetermined number of items remaining in the search pool with the highest total points are displayed to the user of the search system.

Claim 10 depends from independent Claim 1, which is recited above. None of Rofrano, Sammon, Janssen, considered alone or in combination, describe or suggest a computer-implemented method for product selection assistance as recited in Claim 1. For example, none of Rofrano, Sammon, or Janssen, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. As described above, neither Rofrano nor Sammon, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. Janssen does not make up for the deficiencies of Rofrano and Sammon. Because none of Rofrano, Sammon, or Janssen individually describe or suggest one or more elements of Claim 1, it follows that a combination of Rofrano, Sammon, and Janssen cannot describe or suggest such element(s). For at least the reasons set forth above, Claim 1 is submitted to be patentable over Rofrano in view of Sammon, and further in view of Janssen.

Claim 10 depends from independent Claim 1. When the recitations of Claim 10 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 10 likewise is patentable over Rofrano in view of Sammon, and further in view of Janssen.

Claim 24 depends from independent Claim 19, which is recited above. None of Rofrano, Sammon, Janssen, considered alone or in combination, describe or suggest a

computer as recited in Claim 19. For example, as discussed above, none of Rofrano, Sammon, or Janssen, considered alone or in combination, describe or suggest displacing a selected product configuration parameter and a product configuration answer to a visible location outside a product matrix. Because none of Rofrano, Sammon, or Janssen individually describe or suggest one or more elements of Claim 19, it follows that a combination of Rofrano, Sammon, and Janssen cannot describe or suggest such element(s). For at least the reasons set forth above, Claim 19 is submitted to be patentable over Rofrano in view of Sammon, and further in view of Janssen.

Claim 23 depends from independent Claim 19. When the recitations of Claim 23 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claim 23 likewise is patentable over Rofrano in view of Sammon, and further in view of Janssen.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 10 and 23 under 35 U.S.C. 103(a) as being unpatentable over Rofrano in view of Sammon, and further in view of Janssen be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejections of Claims 1, 3-14, 16-26, and 28-45 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of the cited art, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine the cited art because there is no motivation to combine the references suggested in the cited art itself.

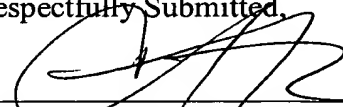
As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP §2143.01. Rather,

there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 1, 3-14, 16-26, and 28-45 be withdrawn.

In view of the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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